

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Paul F. Wallar,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:08-cv-0370
	:	
	:	JUDGE MARBLEY
Commissioner of Social	:	
Security,	:	
	:	
Defendant.	:	

ORDER

This matter is before the Court to consider de novo the plaintiff's objections to a Report and Recommendation of the Magistrate Judge recommending that judgment be entered in favor of the Commissioner. For the following reasons, those objections will be overruled and judgment will be entered for the defendant.

Plaintiff raises two objections to the Report and Recommendation. First, he asserts that the Magistrate Judge should not have affirmed the Commissioner's conclusion that he can perform a reduced range of medium work in light of his degenerative disc disease. Second, he argues that the Magistrate Judge should not have affirmed the Commissioner's finding that his mental impairment became disabling only after September 1, 2005.

As the Commissioner's response to plaintiff's objections notes, there was not a great amount of evidence in the record about plaintiff's physical impairment. No treating source expressed any opinion about how much that impairment limited plaintiff's activities. For the same reasons articulated in the Report and Recommendation, the Court concludes that the Commissioner was entitled to rely on the assessment done by the state agency reviewing physician and to find that plaintiff could

do a reduced range of medium work.

Plaintiff's second objection is not supported by any specific reasons why the Report and Recommendation did not deal adequately with the question of when his disability commenced. The Report and Recommendation concluded that the Commissioner was entitled to rely on Dr. Buban's opinion on this issue, and, as it points out, evidence of an earlier onset of a disabling condition was slight or non-existent. The Court finds no error in the way in which the Report and Recommendation dealt with this issue.

For these reasons, the plaintiff's objections to the Report and Recommendation of the Magistrate Judge are OVERRULED, and the Report and Recommendation is ADOPTED. The plaintiff's statement of errors is OVERRULED, the decision of the Commissioner is AFFIRMED, and the Clerk is directed to enter judgment in favor of the defendant Commissioner.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge